



**COUNTY OF PLACER**  
**Community Development Resource Agency**

Michael J. Johnson, AICP  
Agency Director

**PLANNING**

**HEARING DATE:** May 27, 2010  
**ITEM NO.:** 1  
**TIME:** 10:05 am

**TO:** Planning Commission

**FROM:** Development Review Committee

**DATE:** May 5, 2010

**SUBJECT:** Conditional Use Permit (PCPM 20100005) - Robinson's Newcastle Quarry

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**COMMUNITY PLAN AREA:** Ophir General Plan

**COMMUNITY PLAN DESIGNATION:** Commercial and Rural Estates 4.6 - 10 acre minimum

**ZONING:** HS-B-43-MR-SP-Dc and F-MR-SP (Highway Services, combining minimum Building Site 43,000 square feet, combining Mineral Reserve, combining Special Purpose combining, Design Scenic Corridor and Farm combining Mineral Reserve combining Special Purpose)

**STAFF PLANNER:** Alex Fisch, Associate Planner

**LOCATION:** The project is located at 9601 Ophir Road, 200 yards west of the intersection of Ophir Road and Lozanos Road in the Newcastle area.

**APPLICANT:** Paul Ferreira, President, Robinson's Sand and Gravel

**PROPOSAL:** The project proposes to extend the operational life of the Robinson Newcastle Gravel Pit for an additional 10 years in order to complete mining of gravel and decomposed granite deposits, and to complete mine reclamation. The request includes approval of a Temporary Conditional Use Permit to allow for the storage and processing of an existing stockpile of asphalt grindings.

**CEQA COMPLIANCE:**

This project is categorically exempt from environmental review pursuant to provisions of Sections 15301 and Section 15304 of the California Environmental Quality Act Guidelines, and Section 18.36.030 and Section 18.36.060 of the Placer County Environmental Review Ordinance (Class 1, Existing facilities and Class 4, Minor alterations to land). The Planning Commission will be required to make a finding to this effect.

**PUBLIC NOTICES AND REFERRAL FOR COMMENTS:**

Public notices were mailed to property owners of record within 300 feet of the project site. Other appropriate public interest groups and citizens were sent copies of the public hearing notice. Community Development Resource Agency staff and the Departments of Engineering and Surveying, Public Works, Environmental Health, the Air Pollution Control District, and the Newcastle/Ophir Municipal Advisory Council (MAC) were transmitted copies of the project plans and application for review and comment. No public comments were received at the time of writing this report. Comments received from County staff have been addressed in the analysis section of this report. Project recommendations from the Newcastle Ophir MAC made at the May 20<sup>th</sup> MAC meeting and any public comments received at that meeting will be addressed in staff's oral presentation.

**PROJECT DESCRIPTION:**

The project proposes to extend the operational life of the Robinson Newcastle Gravel Pit for an additional 10 years in order to complete mining of gravel and decomposed granite deposits, and to complete mine reclamation. The operational life of the mine would be extended from January 23, 2010 to January 23, 2020.

The request includes approval of a Temporary Conditional Use Permit for two years to allow for the continued storage and processing of an existing stockpile of asphalt grindings. The stockpile is estimated at 10,000 cubic yards and is remnant from a much larger stockpile of grindings that was delivered to the site during the resurfacing of Interstate 80 between Newcastle and Auburn in 2005 and 2006. The request does not include approval to import additional asphalt grindings onto the site.

**BACKGROUND:**

Permitted operation of this site began in 1967 when the Zoning Administrator approved Land Development Agreement 334 to operate a surface mine. In 1968 the Planning Commission approved Land Development Agreement 374, which approved construction of a building pad at the project site and the sale of earthen materials derived from its construction. In 1970 the Zoning Administrator approved Land Development Agreement 658 to operate the mine for an additional five year period. In 1977 the Board of Supervisors approved Conditional Use Permit 141 to continue operation of the mine for an additional five years, and in 1982 the Planning Commission approved a five-year extension of that permit. In 1987 the Planning Commission approved Conditional Use Permit 1101 and a Reclamation Plan for the continued operation of the mine for an additional five-year period. In May 1993 the Planning Commission approved Conditional Use Permit 1656 to authorize an additional five years of mining including approval of modifications to the Reclamation Plan.

In 2000 the Planning Commission approved Conditional Use Permit 2492 to reauthorize the continued mining operation and approved modifications to the Reclamation Plan to allow for mining an additional 51,000 cubic yards of material. At that time, the Reclamation Plan estimated that 1,050,000 yards of material had been mined from the site since commencement of mining operations in 1967. The Reclamation Plan was approved for a maximum pit floor depth 90 of feet, which occurs near the western edge of the property. In 2005 the Planning Commission approved a modification to the Conditional Use Permit to

authorize an additional five years of mining, and in 2006 the Commission approved a modification (PCPM 20051105) to bring into compliance the storage, processing and sale of an existing stockpile of asphalt grindings delivered to the site during the resurfacing of Interstate 80 in 2005 and 2006. The operator estimated the original stockpile to be in excess of 100,000 cubic yards of material, and approximately 10,000 yards of that stockpile remain on-site at present. The modification was approved to remediate a code violation, as the mine is partially located within the Farm zone district which does not permit the import of recycled materials for storage and resale.

Section 17.56.300 of the Zoning Ordinance allows for the temporary approval of any use which is not ordinarily allowed within a particular zone district with approval of a Conditional Use Permit. Because the use is so similar to the existing use of the site, the Planning Director previously determined, and the Planning Commission approved, a modification to Conditional Use Permit to allow for the storage of the asphalt grindings for a period of two years. Due to the slumping economy and severe slowdown in local construction, a portion of the stockpile remains on site.

#### **SITE CHARACTERISTICS AND OPERATIONS:**

The project site is 20 acres in size and is located on the north side of Ophir Road 200 yards west of the intersection of Ophir Road and Lozanos Road, and one-half mile northeast of Newcastle. The surface mine occupies an approximately 10-acre portion of the property, which has been mined in successive layers from an east to west trending ridgeline to a current average depth of approximately 88 feet. The approved Reclamation Plan identifies a maximum pit floor depth 90 of feet. Final excavation to that depth would yield the remainder of the estimated 51,000 cubic yards of deposits identified in the current Reclamation Plan, which was approved in 2000 and revised in 2006.

The project site is moderately visible from the Interstate 80 right-of-way and is generally not visible from other roadways in the area. A row of evergreen trees planted along the southerly perimeter of the pit floor screens the majority of the mining operation from view while topographic obstructions and elevation differences between the mine and Interstate 80 also conceal the mine operations from view. The mining operation cannot be seen from properties located to the north, east or west, all of which are owned by the mine operator.

Mining operations are conducted by excavation of the westerly pit wall and floor area, and may ultimately include recovery of deposits located beneath the screening and processing area located in the easterly portion of the site where sorting, screening and load out are currently conducted. Recovery of those deposits would occur following relocation of sorting and screening equipment. Several stockpiles of various size and material composition are also located within the floor area and will ultimately be processed for off-site use.

An estimated 10,000 yard stockpile of asphalt grindings is located in the northeast corner of the pit floor. The remaining material will continue to be processed for use in roadway and driveway construction jobs during the term of this approval.

**EXISTING LAND USE AND ZONING:**

SITE	LAND USE	ZONING
	Surface mine	HS-B-43-MR-SP-Dc and F-MR-SP (Highway Services, combining minimum Building Site 43,000 square feet, combining Mineral Reserve, combining Special Purpose, combining Design Scenic Corridor and Farm, combining Mineral Reserve, combining Special Purpose)
NORTH	Developed and undeveloped rural farm properties	F-SP-4.6 (Farm, combining Special Purpose, combining minimum Building Site 4.6 acres)
SOUTH	Ophir Road and Interstate 80 rights-of-way	N/A
EAST	Undeveloped rural farm property and undeveloped industrial property	F-MR-SP-4.6 and IN-Dc-MR-SP (Farm, combining Special Purpose, combining minimum Building Site 4.6 acres and Industrial, combining Design Scenic Corridor, combining Mineral Reserve, combining Special Purpose)
WEST	Undeveloped rural farm property	F-SP-4.6 (Farm, combining Special Purpose, combining minimum Building Site 4.6 acres)

**DISCUSSION:****Compliance with County Code - Surface Mining and Reclamation**

In accordance with Section 17.56.270 of the County Zoning Ordinance, the Development Review Committee sent written notice to the Department of Conservation Office of Mine Reclamation to solicit comments on the current proposal. The Office of Mine Reclamation (OMR) provided a written response recommending that the Reclamation Plan be amended to show the new termination date for the mine. OMR further stated that the proposed extension of the operational life of the mine was minor and did not warrant further review from their offices.

**Request to Extend Mining Operations**

The applicant requests to extend the operational life of the mine on the basis that all gravel deposits identified under the current approved Reclamation Plan have not been recovered (51,000 cubic yards total). Engineering staff's review of the Reclamation Plan and annual mine report from the OMR support this assertion. Furthermore, the project site has operated as a surface mine for over 40 years, and as such is predisposed to this use, which provides beneficial construction materials to the local economy.

**Community Plan Consistency/Neighborhood Compatibility**

The project site is located at the westernmost edge of an industrial area located along Ophir Road, and is surrounded by undeveloped land that is owned by the mine operator. The remnant stockpile of asphalt grindings is located in the northeast corner of the mine floor adjacent to the screening and processing area. The continued screening, sale, and use of the

asphalt grindings in Robinson construction projects during the term of this approval would not conflict with, expand, or make more intensive the existing use. Any additional truck trips associated with the transport of the grindings would constitute a minimal increase in truck trips above those associated with the quarry operation. In consideration of these factors, the Development Review Committee has concluded that the proposed continuation of the use would not be incompatible with the surrounding area.

#### **RECOMMENDATION:**

The Development Review Committee recommends that the Planning Commission **approve** this Conditional Use Permit Modification, including approval of a Temporary Conditional Use Permit (PCPM 20100005), subject to the following findings and attached modified conditions of approval.

#### **FINDINGS:**

##### **CEQA**

1. The Planning Commission finds that this project is categorically exempt from review under CEQA pursuant to Section 15301, Existing facilities (Class 1) and Section 15304, Minor alterations to land (Class 4) of the CEQA Guidelines (ERO Section 18.36.030 and Section 18.36.060) because the continued operation of this mine in accordance with the approved Reclamation Plan will not result in new or significant impacts and the temporary storage, screening and sale of asphalt grindings from the mine floor will not result in new or considerable impacts that must be considered with this request. There is no exception to this finding.

##### **CONDITIONAL USE PERMIT:**

Having considered the staff report, supporting documents and public testimony, the Planning Commission hereby finds that:

1. The proposed extension of the operational period of the mine and the continued temporary storage, screening and sale of the existing stockpile of asphalt grindings is consistent with all applicable provisions of the Placer County Code, Chapter 17, and any applicable provisions of other chapters of this code.
2. The proposed extension of the operational period of the mine and the continued temporary storage, screening and sale of the existing stockpile of asphalt grindings is consistent with applicable policies and requirements of the Placer County General Plan and the Ophir General Plan because the proposed extension of the operational period of the mine will continue to provide construction aggregates valuable to the local area, will enhance the local economy by contributing to the County's diverse base of employment opportunities, and the temporary storage, screening and sale of the existing stockpile of asphalt grindings will not conflict with surrounding land uses.
3. The continued operation of the mine and the continued temporary storage, screening and sale of the existing stockpile of asphalt grindings will not, under the circumstances of the particular case, be detrimental to the health, safety, peace, comfort and general welfare of people residing or working in the neighborhood of the proposed use, nor will it be detrimental or injurious to property or improvements in the neighborhood or to the

general welfare of the County because the mine is not expanding beyond its previously permitted operations resulting in new or previously not considered land use issues.

4. The proposed extension of the operational period of the mine and the continued temporary storage, screening and sale of the existing stockpile of asphalt grindings will be consistent with the character of the immediate neighborhood and will not be contrary to its orderly development.
5. The proposed extension of the operational period of the mine and the continued temporary storage, screening and sale of the existing stockpile of asphalt grindings will not generate a volume of traffic beyond the design capacity of all roads providing access to the project.
6. The proposed extension of the operational period of the mine and the continued temporary storage, screening and sale of the existing stockpile of asphalt grindings will not have an adverse effect on adjacent or surrounding property owners because the continued operation of the mine will not generate noise, traffic, odor, dust or vibration above the current operational baseline.

Respectfully submitted,



Alex Fisch  
Associate Planner

**EXHIBITS:**

- Exhibit 1 – Correspondence from Department of Conservation Office of Mine Reclamation  
Exhibit 2 – Vicinity Map and Site Plan  
Exhibit 3 – Recommended Modified Conditions of Approval

cc: Sarah Gilmore - Engineering and Surveying Department  
Jill Kearney - Environmental Health Services  
Paul Ferreira - Applicant

**DEPARTMENT OF CONSERVATION****OFFICE OF MINE RECLAMATION**

801 K STREET • MS 09-06 • SACRAMENTO, CALIFORNIA 95814

PHONE 916 / 323-9198 • FAX 916 / 445-6066 • TDD 916 / 324-2555 • WEBSITE [conservation.ca.gov](http://conservation.ca.gov)

February 10, 2010

**VIA EMAIL: AFisch@placer.ca.gov**  
**ORIGINAL SENT BY MAIL**

Alex Fisch  
Associate Planner  
County of Placer  
3091 County Center Drive  
Auburn, CA 95603

ROBINSON GRAVEL PIT  
CA MINE ID #91-31-0008

Dear Mr. Fisch,

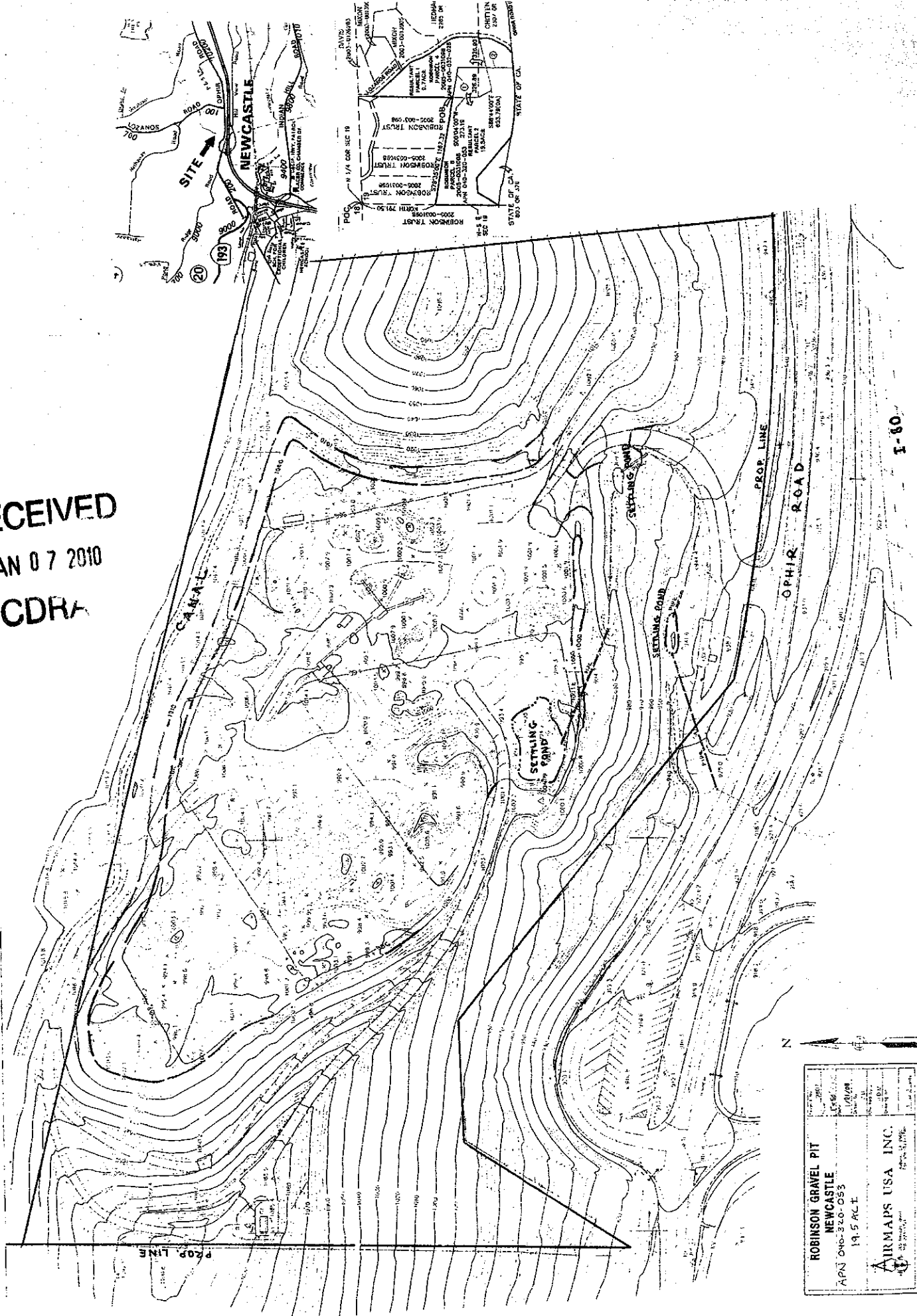
The Department of Conservation's Office of Mine Reclamation (OMR) has received the request to approve a Conditional Use Permit Modification to extend the operational period of the Robinson Gravel Pit to January 23, 2020. OMR concurs with the County's assessment that the modification is minor and can be addressed through administrative measures without further review. OMR recommends that the reclamation plan be amended to show the new termination date.

If you have any questions on these comments or require any assistance with other mine reclamation issues, please contact me at (916) 323-5435.

Sincerely,

James Pompy, Manager  
Reclamation Unit

RECEIVED  
JAN 07 2010  
CDRA





**CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT  
MODIFICATION/RECLAMATION PLAN - "ROBINSON GRAVEL  
PIT" (PCPM 20100005 / PCPM 20051105 / CUP-2492)**

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***THE FOLLOWING CONDITIONS SHALL BE SATISFIED BY THE  
APPLICANT, OR AN AUTHORIZED AGENT. THE SATISFACTORY  
COMPLETION OF THESE REQUIREMENTS SHALL BE DETERMINED BY THE  
DEVELOPMENT REVIEW COMMITTEE (DRC), COUNTY SURVEYOR, AND/OR THE  
PLANNING COMMISSION.***

1. The Conditional Use Permit is approved for an existing mineral extraction operation and modification of a Reclamation Plan for said operation. Subject property (AP #040-320-053) comprises approximately 20 acres, is located on Ophir Road, ½ mile northeast of Newcastle, and is currently zoned F-MR-SP (Farm, combining Mineral Reserve, combining Special Purpose); IN-Dc-MR-SP (Industrial, combining Design Scenic corridor, combining Mineral Reserve, combining Special Purpose); HS-B-43-MR-SP-Dc (Highway Service, combining building site size of 1 ac. min., combining Mineral Reserve, combining Special Purpose, combining Design Scenic corridor).

On May 26, 2005, the Planning Commission approved a Conditional Use Permit modification in order to extend the time frame for completion of the mining operation from January 23, 2005 to January 23, 2010, Conditions #1, 4, and 5 were modified, #18 was changed to 19 and a new #18 was added.

On January 26, 2006 the Planning Commission approved a Conditional Use Permit modification in order to allow for the storage and processing of an existing stockpile of asphalt grindings on the project site. Conditions #1 and 13 were modified, 14 through 19 were renumbered to 17 through 22 and a new 14, 15 and 16 were added.

On May 27, 2010 the Planning Commission approved a Conditional Use Permit Modification to extend the time frame for completion of the mining operation from January 23, 2010 to January 23, 2020, and approved a two-year Temporary Conditional Use Permit to allow for the continued storage and processing of an existing stockpile of asphalt grindings on the project site. Conditions 1, 5 and 14 were modified, conditions 15 and 21 through 24 were added, former condition 21 was deleted. (PLN)

2. No additional tree removal shall occur anywhere on the property. (PLN)

JANUARY, 2000  
MAY, 2005  
JANUARY, 2006  
MAY, 2010

3. Adequate provision shall be made for dust control in conformance with the Placer County Air Pollution Control District. (APCD)
4. All operations shall be limited to the daylight hours of 7:00 A.M. to 7:00 P.M. during May through September, and from 7:00 A.M. to 5:00 P.M. from October through April. The Planning Director is authorized to waive the time frames based on special circumstances. (PLN)
5. An updated Reclamation Plan and financial assurance estimate shall be prepared and approved by the Development Review Committee within 90 days of the approval of this application permit modification (May 27, 2010). Any required adjustments to be made to sureties currently held by the County shall be completed within the said 90 day time period. (ESD)
6. A monitoring report shall be submitted by the applicant's representative prior to October 1 of each year of operation of the pit. The report shall discuss ongoing mitigation for erosion control, drainage, revegetation and slope stability and specify any additional measures that need to be implemented prior to the onset of the rainy season. (ESD)
7. The applicant shall maintain the existing settling ponds to trap silt and sedimentation that is generated on the site to preclude said material from exiting or escaping onto the State highway system. (PLN/ESD)
8. All materials associated with this operation shall be removed from the site and reclamation of the site completed prior to the expiration of this Permit. Equipment associated with this operation shall be removed no later than two (2) years following removal of the material or expiration of this Conditional Use Permit, whichever comes first. (PLN)
9. Final cut slopes on the north and southwest slopes shall be no steeper than 1.5:1 (horizontal:vertical) as recommended by Joslin Geotechnical in their slope stability analysis report dated July 1, 1987. (ESD)
10. The Placer County Water Agency (PCWA) ditch and PG&E underground facilities shall not be disturbed by any excavation work. The applicant shall maintain a minimum 20' setback from the PCWA ditch and obtain written consent from PG&E before starting operation. (PLN/ESD)
11. Noise from this operation shall not create a nuisance to surrounding areas. Noise levels from this operation shall not exceed 65dBA at the nearest resident's property line. (PLN)
12. Landfilling of solid waste on-site is prohibited. (PLN/EHS)

**JANUARY, 2000**

**MAY, 2005**

**JANUARY, 2006**

**MAY, 2010**

13. Storage of solid waste on-site shall be in compliance with the requirements of Chapter 8.16 of Placer County Code. (EHS)
14. On May 27, 2010, the Planning Commission approved a Temporary Conditional Use Permit to allow for the continued storage and processing of an existing stockpile of asphalt grindings shall be permitted on site for a period not to exceed two years. This Temporary Conditional Use Permit approval shall expire on May 27, 2012, (approved January 2006). (PLN/EHS/ESD)
15. This project is located within the area covered by Placer County's municipal stormwater quality permit, pursuant to the National Pollutant Discharge Elimination System (NPDES) Phase II program. Project-related stormwater discharges are subject to all applicable requirements of said permit. BMPs shall be designed to mitigate (minimize, infiltrate, filter, or treat) stormwater runoff in accordance with "Attachment 4" of Placer County's NPDES Municipal Stormwater Permit (State Water Resources Control Board NPDES General Permit No. CAS000004). (ESD)
- Water quality Best Management Practices (BMPs) shall be designed according to the California Stormwater Quality Association Stormwater Best Management Practice Handbooks for Construction, for New Development / Redevelopment, and/or for Industrial and Commercial, (and/or other similar source as approved by the Engineering and Surveying Department (ESD)). The project owner shall maintain all BMPs as required to insure effectiveness. (ESD)
- ~~15.16.~~ No additional import of asphalt grindings shall be permitted. (PLN/EHS/ESD)
- ~~16.17.~~ This permit does not authorize the crushing of asphalt grindings. (PLN/EHS/ESD)
- ~~17.18.~~ Water supply and sanitary facilities shall be subject to Division of Environmental Health review and approval. (EHS)
- ~~18.19.~~ Imported soil that is stockpiled or deposited on-site shall be inert (*i.e.*, without any hazardous constituents). (PLN/EHS/ESD)
- ~~19.20.~~ **ADVISORY COMMENT:** Heavy equipment on-site will be fueled via a portable "lube" truck rather than an on-site fuel tankage. (EHS)
21. Based on the seasonal and limited nature of the project, a portable toilet will be allowed onsite to serve the project. The project applicant shall obtain the services of an approved portable toilet company to furnish and maintain adequate portable toilet facilities. A record of maintenance frequency shall be maintained by the applicant and be made available to EHS upon request. (EHS)

JANUARY, 2000  
MAY, 2005  
JANUARY, 2006  
MAY, 2010

22. The project is limited to the usage described in the letter from the project applicant dated 04/06/2010 on file with EHS. (EHS)

23. A caretaker residence or office use was not reviewed as part of this application. Any increase in the project usage or proposed additional uses, such as an office or caretaker residence, will require additional review. (EHS)

24. "Hazardous" materials, as defined in California Health and Safety Code Division 20, Chapter 6.95, Articles 1 & 2, shall not be allowed on any premises in regulated quantities without notification to EHS. (EHS)

20-25. The applicant shall, upon written request of the County, defend, indemnify, and hold harmless the County of Placer (County), the County Planning Commission, and its officers, agents, and employees from any and all actions, lawsuits, claims, damages, or costs, including attorneys' fees awarded by a court, arising out of or relating to the processing and/or approval by the County of Placer of that certain development project known as Robinson Gravel Pit (the Project). The applicant shall, upon written request of the County, pay or, at the County's option, reimburse the County for all costs for preparation of an administrative record required for any such action, including the costs of transcription, County staff time, and duplication. The County shall retain the right to elect to appear in and defend any such action on its own behalf regardless of any tender under this provision. This indemnification obligation is intended to include, but not be limited to, actions brought by third parties to invalidate any determination made by the County under the California Environmental Quality Act (Public Resources Code Section 21000 et seq.) for the Project or any decisions made by the County relating to the approval of the Project. Upon request of the County, the applicant shall execute an agreement in a form approved by County Counsel incorporating the provisions of this condition.

21. ~~Within 15 days of the Planning Commission's May 26, 2005 approval of the modification to CUP-2492, the applicant shall either apply for the appropriate permits to authorize outdoor storage or remove all the pallets and other associated construction materials from the southeast corner of the subject property.~~

22-26. This Conditional Use Permit is valid for a period of 5 years. Expiration of this Permit shall be January 23, 2010.

On May 27, 2010 the Planning Commission approved a Conditional Use Permit Modification to extend the time frame for completion of mining from January 23, 2010 to January 23, 2020. (PLN)

JANUARY, 2000  
MAY, 2005  
JANUARY, 2006  
MAY, 2010